

**CALENDAR ITEM
C37**

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02/20/15

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PRC 8785.1

G. Asimakopoulos

**TERMINATION OF A GENERAL LEASE – RECREATIONAL AND
PROTECTIVE STRUCTURE USE AND ISSUANCE OF A GENERAL
LEASE – RECREATIONAL AND PROTECTIVE STRUCTURE USE**

LESSEE:

W. Glen Boyd

APPLICANT:

Tamara N. St Claire and Richard W. Geven

AREA, LAND TYPE, AND LOCATION:

Sovereign land in the Sacramento River, adjacent to 7027 Garden Highway, near the city of Sacramento, Sacramento County.

AUTHORIZED USE:

Continued use and maintenance of an existing covered single-berth floating boat dock, gangway, strong arm, utility conduit, and bank protection.

LEASE TERM:

10 years, beginning April 29, 2013.

CONSIDERATION:

Covered Single-Berth Floating Boat Dock, Gangway, Strong Arm, and Utility Conduit: \$281 per year, with an annual Consumer Price Index adjustment.

Bank Protection: The public use and benefit, with the State reserving the right at any time to set a monetary rent if the Commission finds such to be in the State's best interests.

SPECIFIC LEASE PROVISIONS:

Liability insurance in an amount no less than \$1,000,000 per occurrence.

OTHER PERTINENT INFORMATION:

1. Applicant owns the upland adjoining the lease premises.

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2. On October 22, 2009, the Commission authorized a General Lease – Recreational and Protective Structure Use with W. Glen Boyd. That lease will expire on October 21, 2019. On April 29, 2013, the upland was deeded to Tamara N. St Claire and Richard W. Geven. The Applicant is now applying for a General Lease – Recreational and Protective Structure Use. Staff is recommending termination of the existing lease because the Lessee cannot be located for execution of a lease quitclaim deed.
3. The bank protection will mutually benefit both the public and the Applicant. The bank of the Sacramento River will have additional protection for the river channel from wave action provided at no cost to the public.
4. **Lease Termination:** The staff recommends that the Commission find that the subject lease termination does not have a potential for resulting in either a direct or a reasonably foreseeable indirect physical change in the environment, and is, therefore, not a project in accordance with the California Environmental Quality Act (CEQA).

Authority: Public Resources Code section 21065 and California Code of Regulations, Title 14, sections 15060, subdivision (c)(3), and 15378.

5. **Issuance of New Lease:** The staff recommends that the Commission find that this activity is exempt from the requirements of CEQA as a categorically exempt project. The project is exempt under Class 1, Existing Facilities; California Code of Regulations, Title 2, section 2905, subdivision (a)(2).
6. Authority: Public Resources Code section 21084 and California Code of Regulations, Title 14, section 15300 and California Code of Regulations, Title 2, section 2905.
7. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code section 6370 et seq., but such activity will not affect those significant lands. Based upon the staff's consultation with the persons nominating such lands and through the CEQA review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.

EXHIBITS:

- A. Land Description
- B. Site and Location Map

CALENDAR ITEM NO. **C37** (CONT'D)

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Lease Termination: Find that the subject lease termination is not subject to the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15060, subdivision (c)(3), because the subject activity is not a project as defined by Public Resources Code section 21065 and California Code of Regulations, Title 14, section 15378.

Issuance of New Lease: Find that the activity is exempt from the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15061 as a categorically exempt project, Class 1, Existing Facilities; California Code of Regulations, Title 2, section 2905, subdivision (a)(2).

SIGNIFICANT LANDS INVENTORY FINDING:

Find that this activity is consistent with the use classification designated by the Commission for the land pursuant to Public Resources Code section 6370 et seq.

AUTHORIZATION:

1. Authorize termination effective April 28, 2013, of Lease No. PRC 8785.9, a General Lease – Recreational and Protective Structure Use, to W. Glen Boyd.
2. Authorize issuance of a General Lease – Recreational and Protective Structure Use to Tamara N. St Claire and Richard W. Geven, beginning April 29, 2013, for a term of 10 years, for the continued use and maintenance of an existing covered single-berth floating boat dock, gangway, strong arm, utility conduit, and bank protection as described in Exhibit A and shown on Exhibit B (for reference purposes only) attached and by this reference made a part hereof; consideration for the existing covered single-berth floating boat dock, gangway, strong arm, and utility conduit: \$281 per year with an annual Consumer Price Index adjustment; consideration for the bank protection: the public use and benefit, with the State reserving the right at any time to set a monetary rent if the Commission finds such action to be in the State's best interests; and liability insurance in an amount no less than \$1,000,000 per occurrence.

EXHIBIT A

PRC 8785.1

LAND DESCRIPTION

A parcel of tide and submerged land, situate in the bed of the Sacramento River lying adjacent to Swamp and Overflowed Land Survey 923 patented May 18, 1872, County of Sacramento, State of California, and more particularly described as follows:

All those lands underlying an existing covered floating boat dock, gangway, strong arm and appurtenant structures lying adjacent to that parcel as described in that Grant Deed, recorded April 29, 2013 in Book 20130429 Page 1553 in Official Records of said County.

TOGETHER WITH any applicable impact area(s).

ALSO TOGETHER WITH all those lands underlying existing bank protection lying adjacent to said parcel.

EXCEPTING THEREFROM any portion lying landward of the ordinary high water mark of the of the Sacramento River.

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

PREPARED 1/07/15 BY THE CALIFORNIA STATE LANDS COMMISSION BOUNDARY UNIT



APN: 201-0260-011

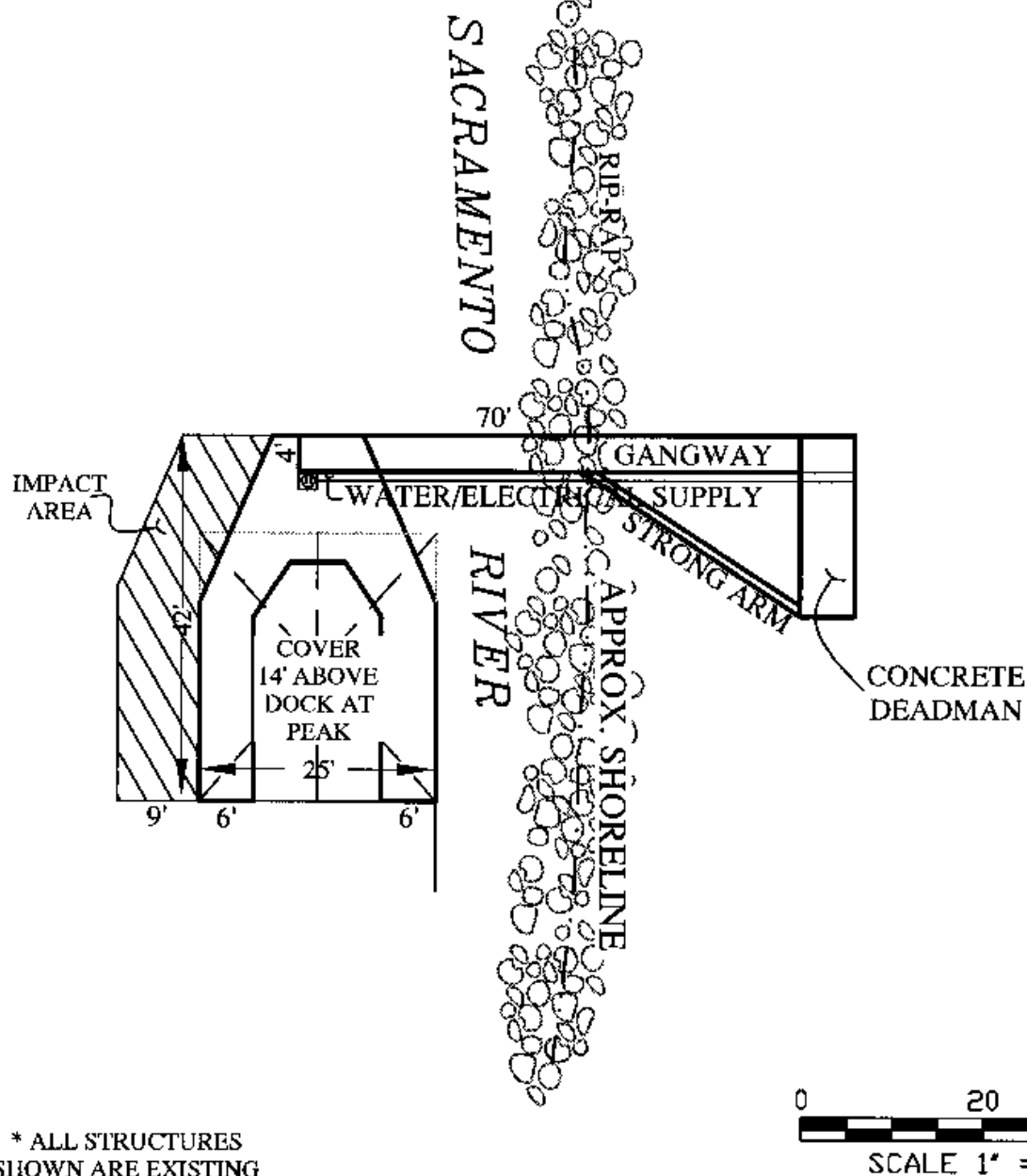


EXHIBIT A

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MJF 1/28/15

LAND DESCRIPTION PLAT
PRC. 8785.1, ST CLAIRE & GEVEN
SACRAMENTO COUNTY

CALIFORNIA STATE
LANDS COMMISSION

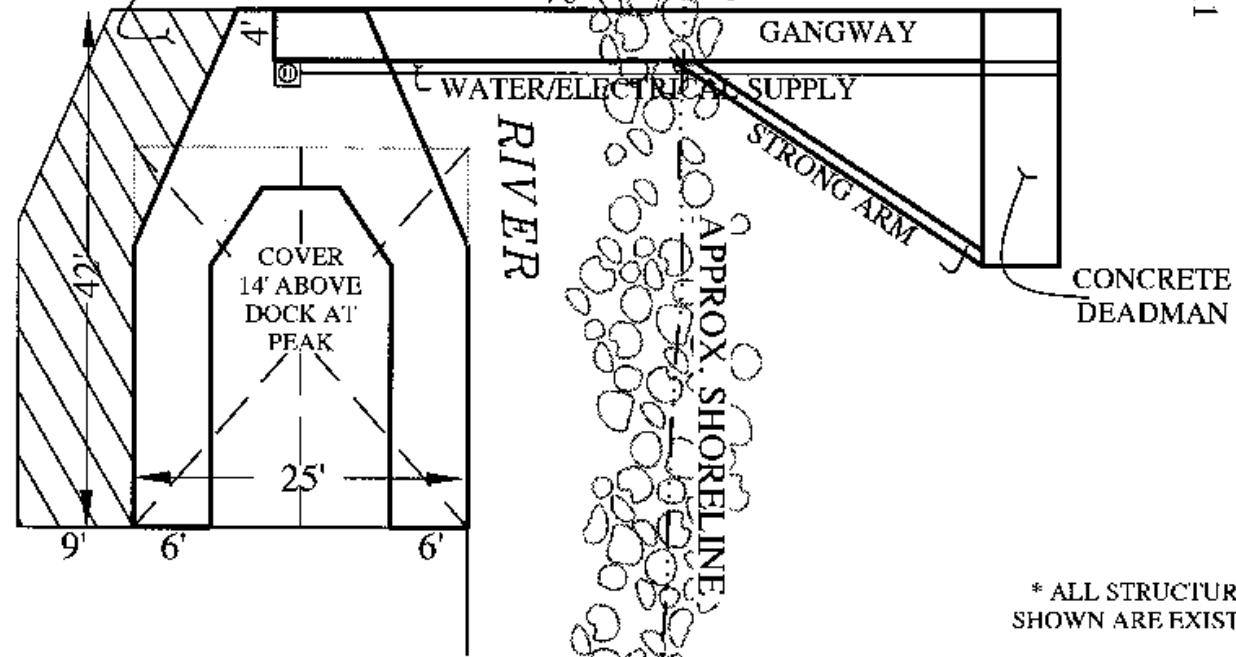


NO SCALE

SITE

APN: 201-0260-011

IMPACT
AREA



* ALL STRUCTURES
SHOWN ARE EXISTING

7027 Garden Highway, Sacramento River

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.

Exhibit B

PRC 8785.1
ST CLAIRE & GEVEN
APN: 201-0260-011
GENERAL LEASE -
RECREATIONAL & PROTECTIVE
STRUCTURE USE
SACRAMENTO COUNTY



MDP 1/28/15